

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SAG HARBOR ADVISORS INC. and
JAMES SANFORD,

Plaintiffs,

AFFIRMATION OF SERVICE

Civil Action Case No.: 20-cv-5443-WFK-AKT

v.

SMART CITY CAPITAL LLC,

Defendant.

STATE OF NEW YORK)
COUNTY OF SUFFOLK)ss:

I, Damon Hagan, Esq., an Attorney duly admitted to practice in the Eastern District of New York hereby certify that a true and correct copy of the attached Order of the Court dated October 12, 2022 was served on Oscar Bode, principal of the Defendant Smart City Capital LLC, via United States Postal Service Priority Mail Express with Tracking Number 9570 1163 0871 2286 3856 68 on October 13, 2022 at the following address:

Oscar Bode
Smart City Capital LLC
2598 E Sunrise Blvd
Fort Lauderdale, FL 33304

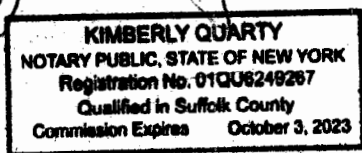
The same address for Oscar Bode appears on DE 27 on the Courts ECF System.

Dated: October 13, 2022

By: /s/ Damon A. Hagan
Damon A. Hagan, Esq.
Law Office of Damon A. Hagan, Esq.
8 Harbor Lane
East Quogue, NY 11942
Telephone: (631)-594-2051
Facsimile: (631)-614-3640
DamonAHagan@gmail.com
Attorneys for Plaintiffs

Sworn Before Me this
13th Day of October, 2022

Kimberly Quarty
Notary Public



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CIVIL MINUTE ENTRY

BEFORE:	Lee G. Dunst U.S. MAGISTRATE JUDGE <div style="text-align: right;">Deputy: Chelsea Tirado</div>
DATE:	October 12, 2022
TIME:	2:00PM
FORMAT:	<input checked="" type="checkbox"/> In Person <input type="checkbox"/> Video Conference <input type="checkbox"/> Telephone Conference
DOCKET NUMBER(S):	20-CV-5443 (WFK)(LGD)
NAME OF CASE(S):	SAG Harbor Advisors Inc. et al. v. Smart City Capital LLC
FOR PLAINTIFF(S):	Damon Andrew Hagan (counsel), James Sanford (party)
FOR DEFENDANT(S):	Evan Berger (counsel via telephone), Oscar Bode (party representative)
NEXT CONFERENCE(S):	December 19, 2022 at 12:00PM via Zoom
FTR/COURT REPORTER:	2:04-2:24

RULINGS FROM STATUS CONFERENCE:

Case called.

For the reasons stated on the record, Defense Counsel's motion at DE 25 to withdraw as counsel to Defendant is GRANTED. The Clerk of the Court is respectfully directed to terminate all Defense Counsel of record.

As discussed on the record, Defendant may proceed only when represented by counsel--and failure to obtain new counsel in this matter may subject it to a default judgment. *See Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007); *Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1310 (2d Cir. 1991). Accordingly, Defendant is directed to obtain new counsel who must file a notice of appearance by **November 14, 2022**.

The parties are directed to file a joint status report by **November 30, 2022** that (1) provides a joint proposed discovery schedule and (2) states whether the parties are interested in a further settlement conference before the undersigned given that the related litigation in the Southern District of Florida (*SMARTCITYCAPITAL, LLC v. Bhardwaj, et al.*, No. 22-cv-60846 (CMA)) is closed.

Plaintiff's Counsel is directed to serve a copy of this Order upon Oscar Bode at the address provided in DE 27 and file proof of service by **October 14, 2022**.

SO ORDERED

/s/ Lee G. Dunst
LEE G. DUNST
United States Magistrate Judge

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